

CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

**FIREWORKS AND FIRECRACKERS BY-LAW
NO. 351/73**

**A By-law of THE CITY OF WINNIPEG to
prohibit the sale and firing or setting off of
fireballs, squibs and firecrackers and to
regulate the setting off of fireworks within the
City.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. In this By-law,
 - (a) **"firecracker"** means any article of the class of fireworks that is designed and prepared to be set off for the primary purpose of producing an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as firecrackers, fire balls and squibs.
 - (b) **"fireworks"** means any article of the class of fireworks that is designed and prepared for the purpose of producing a visual show or effect, whether or not preceded by, accompanied with or followed by an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as Roman candles, pinwheels and sparklers.
 - (c) *repealed 8162/2002*
2. No person shall sell or offer for sale at retail in The City of Winnipeg any firecracker.
3. No person shall fire or set off or cause to be fired or set off any firecracker in The City of Winnipeg.

4. No person shall sell or offer for sale in The City of Winnipeg any fireworks to anyone under eighteen years of age.

5. No person shall use, set off or allow to be used or set off any fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.

6. No person shall set off any fireworks in or into any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.

7. No person shall set off any fireworks in or on or into any highway, street, lane, square or other public place; provided that this shall not be deemed to prohibit a display of fireworks in accordance with the provisions of this By-law.

8. The setting off of fireworks on land appurtenant to a private residence by the owner or tenant of such residence or a person authorized by him so to do shall not be deemed to be a fireworks display.

9. No person shall hold a fireworks display in The City of Winnipeg except under a permit issued therefor under section 10 and in compliance with the conditions contained in sections 10 and 11.

10. The Fire and Paramedic Chief or his designate of the Community in which a display of fireworks is to take place, after consultation with the appropriate Community Committee, may issue permits for displays of fireworks on the conditions set forth in section 11, and each permit shall state the name of the club, association or group to whom the same is issued; the name and address of an executive officer or other responsible person; the place and date upon which the display is to be held, the name and address of each person under whose conduct and supervision the display shall be held; the manner in which unused fireworks are to be disposed of and the manner and means of restraining unauthorized persons from attending too close to the location where the fireworks are to be set off.

amended 7897/2001

11. The following conditions shall apply to the holding of a fireworks display under a permit issued under section 10:

- (a) the display shall be held by or under the auspices of a club, association or group of persons;

- (b) the display shall be held at the place and on the date set forth in the permit;
- (c) the display shall be under the conduct and supervision of at least one responsible person, who shall be at least eighteen years of age;
- (d) the display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, to protect public and private property, and suitable fire extinguishing equipment shall be at hand at all times;
- (e) no display shall be held within 500 feet of a nursing home, hospital, home for the aged, any premises or place where explosives, gasoline or other highly inflammable substances are manufactured, sold or stored, or within 500 feet of a church or an elementary, secondary or other school unless the consent of the owner of such church or an elementary, secondary or other school unless the consent of the owner of such church or school or an agent or representative of such owner has been obtained;
- (f) all unused fireworks and all debris shall be removed by the club, association or group of persons holding the display immediately following its conclusion and safely disposed of;
- (g) before holding the display, the club, association or group of persons to whom a permit is issued shall, where the display is to be held on property of the City, or on property over which the City has possession or control, deposit, and keep deposited with the Treasurer of the City an insurance policy with limits that are acceptable to the City Solicitor and that is satisfactory to the City Treasurer, to protect the City in respect of bodily injury including death and property damage liability that may result from or arise out of the holding of the fireworks display and to indemnify the City for damage to and destruction of property of the City that may occur by reason thereof, provided that at the option of the City Treasurer, a certificate of insurance covering such a policy may be substituted for the insurance policy.

12.1 The Fire and Paramedic Chief and his or her delegates may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.¹

12.2 Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²

12.3 Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;
- (b) if the person to be served is the occupant of real property, the street address for that property; and
- (c) if the document to be served relates to a permit for which the person to be served has applied in writing, the address provided by the person in the application.³

12.4 An appeal from an order to remedy a contravention of this By-law or a decision made by the Fire and Paramedic Chief or his or her delegates may be made to the Standing Policy Committee on Protection and Community Services in accordance with *The City of Winnipeg Charter*.⁴
amended 8162/2002 (entire section 12)

13. All by-laws preventing or regulating the sale, firing or setting off of fireballs, squibs, firecrackers, or fireworks heretofore enacted and continued in force pursuant to the provisions of *The City of Winnipeg Act*, to the extent that they are inconsistent herewith, shall cease to have effect.

14. This By-law shall be referred to as the "**Fireworks and Firecrackers By-law**".
added 8162/2002

DONE AND PASSED "in Council assembled", this 4th day of April, 1973.

1 [See sections 180-181 and sections 183-188 of The City of Winnipeg Charter for information about some of the key powers given to designated employees.](#)

2 [See sections 180 to 184 and sections 116 and 117 of The City of Winnipeg Charter for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

3 [See sections 116 and 117 of The City of Winnipeg Charter for information about how to serve orders, decisions and other documents.](#)

4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)